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OFFICE OF PETITIONS

In re Application of :
Thomas J. Luby :
Application No. 10/764,669 :
Filing or 371(c) Date: 01/26/2004 :
Attorney Docket Number: 5671.051 : **ON PETITION**

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance, filed July 27, 2006.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed February 9, 2006. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on May 10, 2006. A Notice of Abandonment was mailed June 23, 2006.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence. Applicant has also submitted the issue fee with the petition.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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